

Message Text

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ORIGIN EUR-03

INFO OCT-01 ISO-00 /004 R

66011

DRAFTED BY EUR/RPE:DHSWARTZ

APPROVED BY EUR/RPE:DHSWARTZ

----- 077389

R 172305Z DEC 75

FM SECSTATE WASHDC

INFO AMEMBASSY TOKYO 0000

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FOLLOWING REPEAT IAEA VIENNA 10198 ACTION SECSTATE LONDON
PARIS ROME BONN THE HAGUE BRUSSELS LUXEMBOURG COPENHAGEN
DUBLIN EC BRUSSELS USERDA GERMANTOWN 5 DEC 75
QUOTE

LIMITED OFFICIAL USE IAEA VIENNA 10198

EO 11652: NA

TAGS: TECH, IAEA, EEC

SUBJECT: EURATOM/IAEA SAFEGUARDS

DEPT PASS IO/SCT

REF: EC BRUSSELS 10136

SUMMARY: COMPLETION OF SUBSIDIARY ARRANGEMENTS,
INCLUDING FACILITY ATTACHMENTS, WHILE PREFERABLE,
IS NOT RPT NOT PREREQUISITE TO COMING INTO
FORCE OF EURATOM-IAEA SAFEGUARDS AGREEMENT.
INDICATIONS ARE THAT EC IS DELIBERATELY STALLING
ENTRY INTO FORCE. ACTION REQUESTED: VIEWS OF
EC BRUSSELS RE OUTLOOK FOR POLITICAL STEPS
BY COMMUNITY TO BRING AGREEMENT INTO FORCE AND
STEPS USG COULD TAKE TO EXPEDITE. END SUMMARY

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1. MISSION APPRECIATES INFO REPORTED

REFTEL, BUT WISHES CLARIFY RELATIONSHIP
BETWEEN COMPLETION OF FACILITY ATTACHMENTS
AND COMING INTO FORCE OF EURATOM-IAEA
"VERIFICATION" AGREEMENT (INFCIRC/193).

2. INFCIRC/193, ART. 25(A) STATES "THIS
AGREEMENT SHALL ENTER INTO FORCE ON THE DATE
UPON WHICH THE AGENCY RECEIVES FROM THE
COMMUNITY AND THE STATES WRITTEN NOTIFICATION
THAT THEIR OWN REQUIREMENTS FOR ENTRY INTO
FORCE HAVE BEEN MET".

3. THE PHRASE "FACILITY ATTACHMENT" DOES
NOT APPEAR IN INFCIRC/193, BUT THE PROTOCOL,
WHICH "AMPLIFIES CERTAIN PROVISIONS OF
THE AGREEMENT" (PROTOCOL ART. 1), REFERS IN
ARTICLES 4 AND 5 TO "ATTACHMENTS TO THE
SUBSIDIARY ARRANGEMENTS" WHICH SHALL BE
"PROPOSED" BY THE COMMUNITY, BUT PREPARATION
OF THE ATTACHMENTS "SHALL BE PERFORMED TOGETHER
BY THE COMMUNITY AND THE AGENCY".

4. PREPARATION OF SUBSIDIARY ARRANGEMENTS
(OF WHICH ATTACHMENTS ARE PART, AS NOTED ABOVE)
IS ADDRESSED IN ART. 39 OF AGREEMENT PROPER.
ART. 40 STATES "THE SUBSIDIARY ARRANGEMENTS SHALL
ENTER INTO FORCE AT THE SAME TIME AS, OR AS
SOON AS POSSIBLE AFTER, THE ENTRY INTO FORCE
OF THIS AGREEMENT. THE AGENCY, THE COMMUNITY
AND THE STATES SHALL MAKE EVERY EFFORT TO ACHIEVE
THEIR ENTRY INTO FORCE WITHIN NINETY DAYS OF THE
ENTRY INTO FORCE OF THIS AGREEMENT; AN EXTENSION
OF THAT PERIOD SHALL REQUIRE AGREEMENT BETWEEN
THE AGENCY, THE COMMUNITY AND THE STATES. THE
COMMUNITY SHALL PROVIDE THE AGENCY PROMPTLY WITH
THE INFORMATION REQUIRED FOR COMPLETING THE
SUBSIDIARY ARRANGEMENTS. UPON THE ENTRY INTO
FORCE OF THIS AGREEMENT, THE AGENCY SHALL HAVE
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THE RIGHT TO APPLY THE PROCEDURES LAID DOWN
THEREIN IN RESPECT OF THE NUCLEAR MATERIAL LISTED
IN THE INVENTORY PROVIDED FOR IN ARTICLE 41, EVEN
IF THE SUBSIDIARY ARRANGEMENTS HAVE NOT YET ENTERED
INFO FORCE".

5. THUS, STATEMENT PARA 1 REFTEL, THAT FACILITY
ATTACHMENTS REQUIRED BE COMPLETED BEFORE AGREEMENT

CAN COME INTO FORCE IS INCORRECT. MOREOVER, REFERENCE SAME PARA TO COMPLETION BY DEC. 31 OF 60 OF TOTAL OF 180 ATTACHMENTS, AND REMAINDER BY JAN. OR FEB. WE ASSUME MEANS COMPLETION BY EURATOM OF PROPOSALS FOR SUBMISSION TO AGENCY PER PROTOCOL ART. 4. OUR ASSUMPTION IS BASED UPON INFO FROM AGENCY SECRETARIAT THAT EURATOM INTENDS TO RENEGOTIATE ATTACHMENT "EXAMPLES" PREVIOUSLY NEGOTIATED FOR CERTAIN TYPES OF FACILITIES, IN LIGHT OF INABILITY OF EURATOM TO CARRY OUT CERTAIN MEASURES WHICH IT HAD EARLIER INSISTED UPON AS BASIS FOR "EXAMPLES"; E.G. ITEM IDENTIFICATION EACH POWER REACTOR FUEL ASSEMBLY BY SEALS OR OTHER MEANS. THUS, EARLY AGREEMENT BY AGENCY SECRETARIAT TO ATTACHEMENTS FOR AT LEAST SOME TYPES OF FACILITIES CANNOT BE ASSUMED.

6. REFERENCE PARA 4 REFTTEL TO ATTACHMENTS FOR UK AND FRENCH FACILITIES NOT RPT NOT RELEVANT TO EURATOM-IAEA AGREEMENT. THOSE ATTACHMENTS WILL BE PERTINENT RESPECTIVELY TO (A) UK-IAEA AGREEMENT, YET TO BE APPROVED BY IAEA BOARD GOVS, TO IMPLEMENT UK VOLUNTARY SAFEGUARDS OFFER AND (B) POSSIBLE FRANCE- IAEA AGREEMENT DESCRIBED IAEA VIENNA 4445 OF MAY 22, 1975.

7. WE HAVE BEEN INFORMED THAT IAEA INSPECTORATE REMAINS PREPARED TO ASSIGN SUFFICIENT EXPERIENCED PERSONNEL TO JOB OF COMPLETION OF SUBSIDIARY ARRANGEMENTS ASAP. IN FACT, DISCUSSIONS HAVE ALREADY TAKEN PLACE RECENTLY IN LUXEMBOURG BETWEEN EURATOM AND IAEA STAFF MEMBERS TOWARD THAT END. LIMITED OFFICIAL USE

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IM ON OCCASION SIGNATURE OF EURATOM-IAEA COOPERATION AGREEMENT DEC. 1, DIR. GEN. EKLUND TOOK OPPORTUNITY TO EXPRESS HOPE TO EC REPS BRUNNER AND TOMZIG, THAT SAFEGUARDS AGREEMENT WOULD COME INTO FORCE BY END THIS MONTH. EC REPS REPLIED THAT AGREEMENT WOULD COME INTO FORCE "FIRST PART OF NEXT YEAR," NOW THAT PROBLEM WITH FRANCE HAD BEEN RESOLVED. (THEY DID NOT RPT NOT ELABORATE ON NATURE OF THAT PROBLEM OR MANNER OF RESOLUTION.)

9. IAEA SECRETARIAT, HOWEVER, UNDERSTANDS THAT OUTLOOK MUCH LESS OPTIMISTIC FOR ISSUANCE NEW EURATOM SAFEGUARDS REGULATIONS, WHICH

ARE ESSENTIAL TO FULFILLMENT BY EURATOM OF ITS OBLIGATIONS UNDER EURATOM-IAEA AGREEMENT, APART FROM FRENCH OBJECTION TO PROPOSED NEW EURATOM REGULATIONS, WE UNDERSTAND FRG HAD RAISED SOME TECHNICAL QUESTIONS CONCERNING DETAILS OF REGULATIONS AND THAT EC COUNCIL OF MINISTERS WAS UNABLE RESOLVE THOSE AND APPOINTED GROUP OF EXPERTS TO REVIEW REGULATIONS. EXPERT GROUP UNDERSTOOD TO HAVE MET NOVEMBER 24 INITIALLY BUT THAT THEIR REVIEW IS EXPECTED TO REQUIRE SOME MONTHS, AFTER WHICH THEY WOULD REPORT TO COUNCIL.

10. THERE IS CONSIDERABLE SUSPICION IN VIENNA THAT EC AND JAPAN ARE COORDINATING THEIR RESPECTIVE MOVES (OR LACK THEREOF) EITHER ACTIVELY OR BY OBSERVATION AND THAT AN ALFONSE-GASTON ACT MAY BE BEING PLAYED, WITH JAPAN USING EXCUSE OF DELAY IN ENTRY INTO FORCE OF EURATOM-IAEA AGREEMENT AS EXCUSE FOR DELAY IN NPT (AND JAPAN-IAEA SAFEGUARDS AGREEMENT) RATIFICATION.

11. IAEA HAS REPEATEDLY POSTPONED FILLING OF ADDITIONAL INSPECTOR POSITIONS AUTHORIZED FOR EURATOM-IAEA SAFEGUARDS AGREEMENT IMPLEMENTATION. MISSION UNDERSTANDS CURRENT PLANS OF IAEA INSPECTORATE ARE BASED UPON INFORMAL ADVICE FROM LIMITED OFFICIAL USE

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EURATOM SAFEGUARDS STAFF THAT IMPLEMENTATION EXPECTED BEGIN ONLY IN LATE SUMMER OR EARLY FALL 1976, SO THAT ADDITIONAL INSPECTORS WOULD BE HIRED ONLY IN MID-1976.

12. UNLESS EURATOM-IAEA SAFEGUARDS AGREEMENT COMES INTO FORCE NO LATER THAN APRIL 1976, IAEA ADMINISTRATIVE AND BUDGET COMMITTEE SCHEDULED FOR EARLY MAY AND CONSIDERATION OF 1977 BUDGET BY BOARD IN JUNE, WILL PROVIDE OPPORTUNITY FOR EC MEMBERS REPRESENTED ON COMMITTEE AND BOARD, SUCH AS FRG AND ITALY, SUPPORTED BY JAPAN, TO ATTEMPT TO IMPOSE DELAY IN HIRING OF ADDITIONAL INSPECTORS ATTRIBUTED TO EURATOM AGREEMENT IMPLEMENTATION UNTIL AGREEMENT COMES INTO FORCE. SUBSEQUENTLY, SAME GOVERNMENTS COULD ARGUE THAT EURATOM NEED NOT HURRY TO BRING AGREEMENT INTO FORCE, SINCE IAEA UNABLE TO IMPLEMENT DUE TO LACK OF STAFF. MEANWHILE, JAPAN COULD CONTINUE STALLING RATIFICATION OF NPT AND ITS RELATED SAFEGUARDS AGREEMENT, BECAUSE OF DELAY IN EURATOM-IAEA

AGREEMENT COMING INTO FORCE.

13. WE ARE BECOMING INCREASINGLY CONCERNED
AT CONTINUED DELAY BY EC IN MOVING TOWARD
BRINGING EURATOM-IAEA SAFEGUARDS AGREEMENT
INTO FORCE. AT SAME TIME, WE ARE UNABLE TO
IDENTIFY AND EVALUATE POSSIBILITIES FOR ACTION
WHICH WOULD STIMULATE MOVEMENT BY COMMUNITY.

14. MISSION WOULD APPRECIATE VIEWS OF EC
BRUSSELS RE OUTLOOK FOR COMMUNITY TAKING NECESSARY
POLITICAL STEPS TO PERMIT WRITTEN NOTIFICATION TO
IAEA FROM COMMUNITY AND STATES CONCERNED THAT
"THEIR OWN REQUIREMENTS FOR ENTRY INTO FORCE
HAVE BEEN MET." WE WOULD BE PARTICULARLY
INTERESTED IN ANY SUGGESTIONS RE STEPS
USG COULD TAKE TO EXPEDITE EC ACTION. LABOWITZ
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR AGREEMENTS, REGIONAL ORGANIZATIONS, INTERNATIONAL ORGANIZATIONS, NUCLEAR SAFEGUARDS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE297363
Document Source: CORE
Document Unique ID: 00
Drafter: DHSWARTZ
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750439-0839
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751234/aaaabdr.tel
Line Count: 248
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 EC BRUSSELS 10136
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2003 by ShawDG>; APPROVED <15 OCT 2003 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EURATOM/IAEA SAFEGUARDS DEPT PASS IO/SCT
TAGS: TECH, XG, IAEA, EEC, EURATOM
To: TOKYO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006